IN THE HIGH COURT OF JUDICTURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO. 821 OF 2004
IN
COMPANY PETITION NO. 825 OF 2004

P.B. karade & Ors. .. Petitioner.

Versus.

The Official Liquidator of
Kalpavriksha Marketing Pvt. Ltd.
(In Liqn.) .. Respondent.

AND

Shri Kirti D. Nakhawa .. Applicant.

Shri Ashutosh Gavnekar for the Applicant.
Ms. K.V. Gautam, Dy. Official Liquidator present.

CORAM: S.J. VAZIFDAR, J.

DATE : 15TH OCTOBER, 2004.

P.C. :

1. The above Petition has by a separate order been dismissed. By the said order the Provisional Liquidator is discharged. Hence, the Company Application does not survive. The premises clearly belong to the Applicant. The Applicant had executed a leave and licence agreement in favour of the Company dated 2nd November, 2002 which came to an end by a aflux of time on 13th September, 2003, Thereafter the Applicant executed a further leave and licence agreement dated 1st November, 2003 in favour of a third party. That agreement came to an end on 30th September, 2004. However, before that agreement came to an end, the Provisional Liquidator sealed the premises some time in July, 2004.

2. The Company was admittedly not in possession of the premises when possession thereof was taken by the Provisional liquidator.

3. Hence, the Provisional Liquidator shall remove the seal and permit the Applicant to take possession of the said premises forthwith.

SD/-

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